### GREENSVILLE COUNTY BOARD OF SUPERVISORS

### LIVE STREAM DUE TO COVID-19 PANDEMIC

https://www.youtube.com/channel/UCckhluQu1NDf3FgwoWkpTLQ

### AGENDA - MONDAY, AUGUST 3, 2020

### 4:15 P.M. – CLOSED SESSION LOCATED IN THE BOARD OF SUPERVISORS **MEETING ROOM**

### 6:00 P.M. - REGULAR SESSION LOCATED AT THE GOLDEN LEAF COMMONS

ITEM NO.	DESCRIPTION
I.	CALL TO ORDER – 4:15 P.M.
II.	CLOSED SESSION - Section 2.2-3711 (a) 1) Personnel and 7) Legal Matters
	A. Personnel Matters
	B. Legal Matters
III.	RETURN TO REGULAR SESSION
IV.	CERTIFICATION OF CLOSED MEETING - Resolution #21-16
V.	APPROVAL OF AGENDA
VI.	APPROVAL OF CONSENT AGENDA
	A. Approval of Minutes – See Attachment – <u>L.</u>
	B. Budgetary Matters – See Attachment – <u>M.</u>
	C. Warrants – See Attachment – $\underline{N}$ .
	D. Resolution#21-18 - Personnel Matters Resulting from Closed Session
VII.	PUBLIC HEARING – 6:00 P.M.
	A. Removal of War Memorials - See Attachment – O.
VIII.	RETURN TO REGULAR SESSION

### IX. <u>ACTION RESULTING FROM PUBLIC HEARING</u>

A. Action regarding the Removal of War Memorials Resolution #21-17 - See Attachment  $-\underline{P}$ .

### X. <u>ITEMS WITH APPOINTMENTS</u>

- A. Rural Solar Development Coalition See Attachment Q.
- B. Cover Three Foundation
- XI. <u>CITIZENS COMMENTS</u>
- XII. <u>OTHER MATTERS</u>
  - A. COVID-19 Update
- XIII. <u>ADJOURNMENT</u>

At the Special Meeting, held on Tuesday, July 21, 2020, with Closed Session beginning at 3:30 P.M., and Regular Session beginning at 4:30 P.M. via Live Stream due to the COVID-19 Pandemic, in the Board Room of the Greensville County Government Building, 1781 Greensville County Circle, Emporia, Virginia.

Present:

Belinda D. Astrop, Chairman James R. Brown, Vice-Chairman

William B. Cain Tony M. Conwell

Chairman Astrop called the meeting to order.

In Re: Closed Session

Mrs. Brenda Parson, County Administrator, stated that Staff recommended the Board go into Closed Session, Section 2.2-3711 (a) 1) Personnel and 7) Legal Matters.

Supervisor Conwell moved, seconded by Supervisor Brown, to go into Closed Session, as recommended by Staff. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: Regular Session

Mrs. Parson stated that Staff recommended the Board of Supervisors return to Regular Session.

Supervisor Conwell moved, seconded by Supervisor Brown, to go into Regular Session. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: Certification of Closed Meeting - Resolution #21-06

Supervisor Conwell moved, seconded by Supervisor Brown, to adopt the following Resolution. A roll call vote was taken, as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

### RESOLUTION #21-06 CERTIFICATION OF CLOSED MEETING

WHEREAS, the Greensville County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Greensville County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law:

NOW, THEREFORE, BE IT RESOLVED that the Greensville County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Greensville County Board of Supervisors.

In Re: Pledge of Allegiance and Invocation

Mrs. Astrop stated that the Pledge of Allegiance and Invocation would not be held tonight in order to move the meeting along and prepare for the next meeting.

In Re: Approval of Agenda

Mrs. Parson stated that Staff recommended approval of the Agenda with the deletion of the Public Hearing Matters that was originally a part of the agenda.

Supervisor Conwell moved, seconded by Supervisor Brown, to approve the agenda as amended. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: Consent Agenda

Mrs. Parson stated that Staff recommended approval of the Consent Agenda consisting of the following:

Minutes from the meeting of June 24, 2020 and July 6, 2020.

Budgetary Matters consisting of the following: Fund #001 – Journal Voucher #4, in the amount of \$36,134, and Re-Appropriations Resolution #21-07, in the amount of \$114,658.70; Fund #010 – Re-Appropriations Resolution #21-08, in the amount of \$62,821.16; Fund #012 – Re-Appropriations Resolution #21-09, in the amount of \$176,104.44 and Fund #018- Budget Amendment Resolution #21-10, in the amount of \$344,35, all of which are incorporated herein by reference.

In Re: Warrants:

Approval of Accounts payable for July 21, 2020, in the amount of, \$1,428,710.23.

Supervisor Conwell moved, seconded by Supervisor Brown, to approve the Consent Agenda. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: 2019 Delinquent Personal Property and Real Estate Tax List

Mrs. Pamela Lifsey, Treasurer, addressed the Board stating that in the past, the list had been advertised in the newspaper each year. She stated that she was requesting that the delinquent list be advertised in the newspaper again this year. She also stated that it was a good collection tool for her office. Mrs. Lifsey stated that the pandemic had not affected the collection rate and that the rate was a little higher this year than it was last year at this time.

Supervisor Conwell moved, seconded by Supervisor Brown, to approve the advertisement of the delinquent tax list in the newspaper. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: Citizens Comments

Mrs. Parson stated that no comments were received by the deadline.

In Re: Resolution #21-11 - RFP Results for the Landfill Dozer

Mr. Lin Pope, Director of Planning, addressed the Board stating that on July 8, 2020, at 3:00 p.m., Staff received RFP's from two vendors for a new Caterpillar D6 Tract Type Dozer or equivalent for the County's Landfill. He stated that James River Equipment Company submitted an RFP for a John Deer 850L Waste Handler Crawler Dozer LGP at a quote of \$404,507. He also stated that Carter Machinery also submitted a quote for a Caterpillar D6 Track Type Dozer at a quote of \$491,148. He then stated that Staff was recommending approval of the following resolution for the RFP submitted by James River Equipment Company for a 2020 John Deere 850L Waste Handler Crawler Dozer LGP.

### RESOLUTION #21-11 PROCUREMENT OF CATERPILLAR D6 TRACK TYPE LANDFILL DOZER OR EQUIVALENT FOR THE GREENSVILLE COUNTY LANDFILL

WHEREAS, the Greensville County Board of Supervisors at their June 1, 2020 meeting authorized County staff to begin the RFP process for the procurement of a new Caterpillar D6 Track Type Landfill Dozer or equivalent; and

WHEREAS the existing landfill dozer was out of service and the landfill was having to rent a dozer until a new one could be procured; and

WHEREAS, on July 2, 2020, Carter Machinery Company, Inc. submitted a proposal for a new 2020 caterpillar D6 Track Type Dozer; and

WHEREAS, on July 7, 2020, James River Equipment submitted a proposal for a new 2020 John Deere 850L Waste Handler Crawler Dozer LGP; and

WHEREAS, after reviewing and evaluating all proposals submitted in response to the RFP, Greensville County Staff has determined that the contract should be awarded to James River Equipment Company for the lease of a new landfill dozer.

### IT IS HEREBY RESOLVED by the Greensville County Board of Supervisors as follows:

- 1. The Board hereby awards the contract to James River Equipment for a new 2020 John Deere 850L Waste Handler Crawler Dozer LGP; and
- 2. Adoption of this Resolution constitutes publication of the Board's award of said contract; and
- 3. The Board authorizes the preparation of a notice of its award to James River equipment, and further directs that the notice be emailed and sent via first class U.S. Mail to all unsuccessful companies which submitted a proposal in response to the RFP; and
- 4. That the County Administrator is hereby authorized to execute the lease agreement after its approval by the County Attorney.

Supervisor Brown moved, seconded by Supervisor Conwell, to approve Resolution #21-11. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: Resolution #21-12 - Abandonment of State Route 641 (Garners Mill Road)

Mr. Pope stated that in the year of 2014, Mr. G.B. Ligon, Jr., submitted a letter to the County and VDOT requesting the abandonment of a portion of State Route 641. He stated at the time, the County held a willingness to hold a Public Hearing per VDOT's protocols, Staff submitted the paperwork to VDOT and at that point, the paperwork was lost in the shuffle. He also stated that Mr. Ligon had renewed his request. Mr. Pope stated that he had contacted VDOT and VDOT forwarded the following resolution plus the AM4.34 as needed by VDOT. Mr. Pope then stated that Staff was requesting approval of the resolution and permission to execute VDOT Form AM 4.34.

### RESOLUTION #21-12 §33.2-909 – SECONDARY ROUTE ABANDONMENT GARNERS MILL ROAD, ROUTE 641 WITH NO REPLACEMENT ROAD FINAL RESOLUTION

WHEREAS, a public notice was posted as prescribed under §33.2-909, Code of Virginia, announcing this Board's intention to abandon the segment of road described below from the Secondary System of State Highways, and

WHEREAS, no petition for a public hearing was filed, and

WHEREAS, after considering all evidence available, the Board is satisfied that no public necessity exists for the continuance of the segment of Secondary Route 641 from 0.11 miles west of Rt. 633 to 0.35 miles west of Rt. 633, a distance of 0.24 miles, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject segment of road, and

WHEREAS, the segment of Route 641, identified on the attached Form AM 4.3, is no longer needed as part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above described segment of road and removes it from the Secondary System of State Highways, pursuant to §33.2-909, Code of Virginia.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Supervisor Brown moved, seconded by Conwell, to approve Resolution #21-12. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: Personnel Policy Review

Mrs. Parson stated that Chairman Astrop had requested that the Personnel Policy Manual be reviewed. She stated that it was a huge task to undertake and at the recommendation of the County Attorney, it would probably be best served by having a sub-committee work on the policy. She also asked if the Board would like to appoint two Board members plus relevant Staff such as Mr. Gary Cifers, Asst. County Administrator, Mrs. Alice Whitby, Human Resources and herself to serve on the Committee.

Chairman Astrop opened the floor for nominations of two Board members to serve on the committee.

Supervisor Brown nominated Supervisor Cain and Supervisor Conwell to serve on the committee.

In Re: School Cost Sharing Agreement for FY20-21

Mrs. Parson stated that this agreement was previously discussed by the County Attorney, Mr. Russell Slayton. She stated that the agreement only covered the upcoming school year's costs. She then stated that Staff requested approval of the following Resolution.

### RESOLUTION #21-14 APPROVAL OF SCHOOL COST SHARING AGREEMENT FOR FISCAL YEAR 2020-2021

WHEREAS, Greensville County, the City of Emporia, the Greensville County School Board and the City of Emporia School Board have negotiated an agreement which determines net local school costs for Fiscal Year 2020-2021, and determines the sharing of local school costs for Fiscal Year 2020-2021 between Greensville County and the City of Emporia.

IT IS, ACCORDINGLY, HEREBY RESOLVED by the Greensville County Board of Supervisors that the agreement titled "School Cost Sharing Agreement for Fiscal Year 2020-2021" is hereby approved in the form this day presented, or as hereafter modified by agreement among the Board Chair, the County Administrator and the County Attorney, and the Board Chair is hereby authorized to execute said agreement on behalf of Greensville County.

Supervisor Conwell moved, seconded by Supervisor Brown, to approve Resolution #21-14. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: Agreement to Begin Negotiation of Long-Term School Cost Sharing Agreement

Mrs. Parson stated that Staff was requesting approval of the following Resolution.

### RESOLUTION #21-15 APPROVAL OF AGREEMENT TO BEGIN NEGOTIATION OF A LONG-TERM SCHOOL COST SHARING AGREEMENT

WHEREAS, Greensville County and the City of Emporia have reached an agreement which provides for the negotiation of a long-term school cost sharing agreement, beginning with Fiscal Year 2021-2022.

IT IS, ACCORDINGLY, HEREBY RESOLVED by the Greensville County Board of Supervisors that the agreement titled "Agreement to Begin Negotiation of a Long-Term School Cost Sharing Agreement" is hereby approved in the form this day presented, or as hereafter modified by agreement among the Board Chair, the County Administrator and the County Attorney, and the Board Chair is hereby authorized to execute said agreement on behalf of Greensville County.

Supervisor Conwell moved, seconded by Supervisor Brown, to approve Resolution #21-15. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

In Re: COVID-19 Update

Mr. Reggie Owens, Program Administrator, addressed the Board stating that based on the positive case numbers from Crater Health District as of Friday, July 15, 2020, Greensville and Emporia now had 482 positive cases of COVID-19 in the community. He stated that due to the increase in positive cases, citizens should practice social distancing (6 feet apart), wash hands frequently or use hand sanitizer when soap and water were not available, limit gathering to groups of 10 or less people, wear a mask when in public and clean frequently touched surfaces often.

Mr. Owens stated that Greensville County would distribute masks and hand sanitizer on Monday, July 27, 2020 from 9:00 a.m. until 11:00 a.m. behind the Golden Leaf Commons and from 2:00 p.m. until 4:00 p.m. at the Jarratt Fire Station. He also stated that the same would be completed on Tuesday, July 28 from 9:00 a.m. until 11 a.m. at the Washington Park Community Center and from 2:00 p.m. until 4:00 p.m. at the Skippers Voting Precinct. He further stated that

supplies for the giveaway was part of the Governor's Task Force for a healthier Virginia. Mr. Owens stated that Delegate Tyler and her Staff was instrumental in having Greensville County as part of this "Pilot Program". He stated that supplies were bagged and would be distributed in a "Drive Thru" layout that did not require citizens to get out of their car to receive their free PPE during the giveaway.

Mr. Owens stated that Greensville County and the Crater Health District conducted a "Drive Thru" testing clinic at the Jarratt Fire Station on July 9, 2020 from 6:00 p.m. until 7:30 p.m. He stated that a total of 20 people were tested with 10 citizens pre-registered and 10 citizens registered on site. He also stated that Staff timed the pre-registered citizens and they were in and out in less than three minutes.

In Re: Adjournment

With there being no further business to discuss, Supervisor Conwell moved, seconded by Supervisor Brown, to adjourn the meeting. A roll call vote was taken as follows: Supervisor Brown, aye; Supervisor Cain, aye; Supervisor Conwell, aye and Chairman Astrop, aye.

Belinda D. Astrop, Chairman

Brenda N. Parson, Clerk

### **COUNTY OF GREENSVILLE**

Fund #	 1	VOUCHER	5

ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
4-1-35600-9901 CARES CRF Fund	29.99	3-1-24040-25 Coronavirus Relief Fund	29.99
•			
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		•	
TOTAL	29.99		29.99
	EXPLAN	ATION	
To correct expense.			
Sarah Thompson 07/ Prepared By Date	<u>21/20</u>	Approved By	Date
	Posted By	Da	ite

### **COUNTY OF GREENSVILLE**

Fund #	1	VOUCHER	JV#	9
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ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
VOID CHECK# 93218 VOID CHECK# 94276 VOID CHECK# 90919	\$50.00 60.00 30.00 60.00	VOID CHECK# 93218 VOID CHECK# 93145 VOID CHECK# 94276 VOID CHECK# 90919	\$50.00 60.00 30.00 60.00
TOTAL	200.00	TOTAL	200.00
	EXPLAN		
	the Treasure	's Office. Void check #'s: 93145,9	4276 &90919
these were never cashed.			
Sarah Thompson 07/29/2020 Prepared By Date		Approved By	Date
-	Posted By		ate

### RESOLUTION # 21-17FY 21 RE-APPROPRIATIONS RESOLUTION

BE IT RESOLVED by the Greensville County Board of Supervisors that the following budget appropriations be and hereby are made for the period of July 1, 2020 through June 30, 2021.

### **FUND #018**

EXPENDITURE 4-018-92100 5830	MISCELLANEOUS Refunds	<b>\$26,059</b> .63
·	Belinda D. As Greensville C	trop, Chairman ounty Board of Supervisors
ATTEST:		
Denise Banks, Clerk	ngunan.	

Greensville County Board of Supervisors

Adopted this \_\_\_\_\_day of \_\_\_\_\_\_.

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### NOTICE PUBLIC HEARING REMOVAL OF WAR MEMORIALS

At their regularly scheduled meeting on Monday, August 3, 2020, beginning at 6:00 p.m., in the Golden Leaf Commons, 1300 Greensville County Circle, Suite B, Emporia, Virginia, The Greensville County Board of Supervisors will receive comment on the removal of war memorials governed by Virginia Code 15.2-1812, amended on July 1, 2020 to permit a locality to "remove, relocate, cover, or contextualize any such monument.

The Greensville County Board of Supervisors will receive public comment on whether the confederate statue on Courthouse Square should be removed, relocated, covered, or contextualized.

\*Due to the Covid-19 Pandemic, all persons attending this meeting will be required to wear protective face coverings, practice social distancing and follow the Governor's Executive Order #63 and/or any future, updated Orders.

### NOTICE PUBLIC HEARING

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Advertise:

Wednesday, July 1, 2020

### GREENSVILLE COUNTY BOARD OF SUPERVISORS RESOLUTION #21-18 MONUMENT ON COURTHOUSE SQUARE

WHEREAS, in compliance with Virginia Code Section 15.2-1812.B., on August 3, 2020, the Greensville County Board of Supervisors ("Board") conducted a duly advertised public hearing regarding the possible removal of a Confederate monument now located on Courthouse square;

WHEREAS, after considering comments made at the public hearing, the Board has decided to remove the monument from Courthouse square;

WHEREAS, Virginia Code Section 15.2-1812.B. requires that before such removal be effected, certain entities be afforded an opportunity to take possession of the monument;

### IT IS, ACCORDINGLY, HEREBY RESOLVED by the Board as follows:

- 1. The monument now located on Courthouse square will be removed.
- 2. Until September 4, 2020, any entity designated in Virginia Code Section 15.2-1812.B. shall have the right to request possession of the monument.
- 3. The entities designated in Virginia Code Section 15.2-1812.B. are: "any museum, historical society, government, or military battlefield".
- 4. If none of the designated entities requests to take possession of the monument, at its meeting on September 8, 2020, or at a subsequent meeting, the Board will determine where the monument will be relocated after its removal from Courthouse square.
- 5. As authorized by Virginia Code Section 15.2-1812.C., the Board will pay the cost to remove and relocate the monument.

ADOPTED this 3rd day of August, 2020.

VOTING AYE	VOTING NAY	ABSENT/ABSTAIN
undersigned hereby certifies th	nat the foregoing is an accurate	account of the vote taken at a

The undersigned hereby certifies that the foregoing is an accurate account of the vote taken at a duly noticed, called and convened meeting of the Greensville County Board of Supervisors held on the 3<sup>rd</sup> day of August, 2020, at which a quorum was present at the time the meeting was convened and at the time said vote was taken.

<del></del>
Clerk
CIOIR

### **Denise Banks**

From:

Lin Pope

Sent:

Thursday, July 23, 2020 10:21 AM

To:

Gary Cifers; Ryan Aerni; Denise Banks

Subject: **Attachments:**  FW: Rural Solar Development Coalition Information PPT Presentation\_RSDC\_6-5-20[f].pdf; 1 Rural Solar Development Coalition\_BKGRD

F3[3].pdf; 4 Solar LEG Comprehensive\_4-15\_adv.pdf; RSDC Activity

Report\_June-2020[1].pdf; RSDC Activity Report\_5-2020[1].pdf; RSDC Invoice -Greensville

County .pdf

Importance:

High

Gary,

The first attachment is the PP presentation that will be shown to the Board on August 3. The other items will go on the agenda as an attachment.

Lin

From: Robert G. Crockett < rcrockett@advantusstrategies.com>

Sent: Tuesday, July 21, 2020 11:46 AM

To: Lin Pope < lpope@greensvillecountyva.gov>

Cc: Susan Seward <sewardconsultinginc@gmail.com>; Lena Cary <lcary@advantusstrategies.com>

Subject: Rural Solar Development Coalition Information

Importance: High

Mr. Pope.

Good afternoon. It was good to talk earlier. I am hoping this finds you safe and well.

As you are aware, during the 2020 General Assembly session there was a great deal of attention on alternative energy, and specifically energy derived from solar facilities. Twenty-five bills were approved by the General Assembly during the session referencing solar in some manner.

Some of these bills are significant. The Clean Economy Act mandates targets for carbon-free solar facilities and offshore wind. During discussions in the 2020 Session, the Senate and House of Delegates, and the Administration, made it clear the critical importance of renewable energy. The development and utilization of these energy sources are reliant on the acceptance of the localities, as you know. The VCEA requires 16,100 MW by the year 2045. In perspective, assuming an average of 10 acres per MW capacity, then 16,100 MW would equate to about 161,000 acres (or 252 square miles). Another critically important bill was Del. Keith Hodges' HB 1675, which requires the applicant to meet and attempt to negotiate a siting agreement with a locality. The agreement could include specific terms and conditions associated with the proposed project including financial compensation and/or mitigation of any impacts.

During the General Assembly there was interest expressed by a number of rural counties to construct an organization of rural counties to work specifically toward establishing a more predictable and certain solar development pathway, that would provide long-term benefits to the counties hosting these solar facilities. The Rural Solar Development Coalition (RSDS) was established for this purpose – and worked during the Session with a broader team to support the objectives of these rural localities. My firm, Advantus Strategies, and Susan provided coordination in Richmond.

Attached you will find several documents, and an invoice, that will provide you with an enhanced understanding of our ongoing solar-related work. I have provided a list of the attachments for your reference.

- 1. PPT providing overview of 2020 legislation and RSDC (we will use this during your BOS presentation)
- 2. RSDC Update and 2020 General Assembly report
- 3. Comprehensive Solar Legislative Tracking Report
- 4. Activity Report 2 (May and June)
- 5. Invoice (Greensville)

As an update, we are beginning a monthly conference call with members to communicate and engage on ongoing project proposals and to ensure the work that RSDC is doing is of value to the localities. Our next call for members (Charlotte, Halifax, Appomattox, Prince George, Richmond, Sussex, Lunenburg, King and Queen) will be next week.

Please let me or Susan know if you have any questions. Thanks for your time,

Robert

ROBERT G. CROCKETT President



The Ironfronts Building 1011 E Main Street, Suite 400 Richmond, Virginia 23219 Office: 804.228.4514 Direct: 804.387.0243 advantusstrategies.com

WARNING! This communication is confidential to the intended recipient(s) for its stated purpose: If you have received this communication in error, please reply immediately and inform the sender and then completely delete this communication from your files. Please remember that if this message is forwarded, it may no longer be considered confidential. Thank you.



# Rural Solar Development Coalition Legislative Update

### Robert G. Crockett Susan Seward

## Solar Specific Bills

. Zoning Provisions

Revenue Sharing

3. Host Agreement



### HB 655/SB 870

reasonable regulations and provisions in its zoning ordinance for a special exception for any solar What it Does: Authorizes a locality to include project.

### Authorizes localities to:

- Grant a condition that includes:
- Dedication of real property of substantial value;
- generated solely by granting of the CUP for the solar project, but there Substantial cash payments for or construction of substantial public improvement (need for these improvements do not have to be must be a reasonable nexus)



### HB 656/SB 875

generally accepted national standards for the use What is Does: Authorizes a locality to include in its zoning ordinance provisions to incorporate of solar panels and battery storage.

## Recognizes following standards:

- National Sanitation Foundation/American National Standards Institute No. 457;
- International Electrotechnical Commission No. 61215-2;
- Institute of Electrical and Electronics Engineers Standard 1547; and
- Underwriters Laboratories No. 61730-2

  Madvantus

  Strategies

### HB 657

requirement that solar facilities be reviewed for What it Does: Allows a locality to waive the permissive, and it would have removed this substantial accord with the comprehensive plan. The Introduced legislation was not review for any project up to 150MW.



### HB 1131/SB 762

Specifically, the revenue share is measured on generation capacity based on submissions by ordinance to assess a revenue share of up to the facility owner to the interconnecting utility What it Does: Authorizes any locality by \$1,400 per megawatt on solar projects.

Projects that are NOT eligible for revenue share:

- 20 MW or less that has filed an initial interconnect request on or before December 31, 2018
- 5 MW or less



## HB 1131/SB 762 [2]

- the revenue share, solar facilities shall be If a locality opts by ordinance to assess 100% exempt from M&T tax.
- application was filled with the locality on applied to any solar project for which an Revenue share cannot be retroactively or before July 1, 2020 unless ...



## HB 1131/SB 762 [3]

which the applicant or owner agree to voluntarily waive enter into a new voluntary payment agreement, under revise any existing voluntary payment agreement or 1. The locality and the applicant or owner agree to a portion of the M&T tax; and

substitute the amount of such voluntary payment for a similar amount of a solar energy revenue share. 2. The locality and applicant or owner agree to

Legislation does not preclude an applicant or owner agreeing to submit an existing project to the full revenue share amount



### HB 1434/SB 763

the first five years, 70 percent in the second five years, and 60 percent for all remaining years in percent exemption for the life of the project to a step down scale of an 80 percent exemption in exemption for solar energy projects from an 80 What it does: Changes the local property tax service.



## HB 1434/SB 763 [2]

The change applies to solar energy projects that are

- request form has been filed with an electric utility or a regional transmission organization after Jan. 1, 2015, (i) projects greater than 20 megawatts and less than 150 megawatts for which an initial interconnection and first in service on or after Jan. 1, 2017, and
- interconnection request form has been filed on or after (ii) projects equaling more than five megawatts and less than 150 megawatts for which an initial Jan. 1, 2019



## HB 1434/SB 763 [3]

- project, the step down scale shall not apply. If a locality assesses a revenue share on a
- In addition, the bill extends the sunset date for six years after which new projects may not qualify for the exemption from January 1, 2024, to July 1, 2030.



### HB 1675

between localities and solar facilities. The bill What it Does: Authorizes host agreements requires and allows for several items.

1. Requires applicant for a solar facility to give the host locality written notice of the applicant's intent to locate in an opportunity zone as defined in the bill.

2. Opportunity zone is a "census tract in an area of the host locality meeting the eligibility requirements for designation as a qualified opportunity zone by the

 NOTE: It must just meet the criteria (not designated); based on poverty rates, population and migration, and median household income.

According to the IRS, Virginia currently has 212 zone

Requires an applicant to meet with the locality, and to discuss and negotiate a siting agreement.



### HB 1675 [2]

The siting agreement may include terms & conditions such as:

- Mitigation of any impacts of the proposed solar facility.
- Financial compensation to the host locality to address capital needs set out fiscal budget of the host locality, or c) current fund balance policy adopted in the a) Capital Improvement Plan adopted by the host locality, b) current by the host locality.
  - Financial compensation by the applicant to assist in the deployment of broadband in the host locality.

The host locality has a number of powers in the sitting agreement.

- 1. Hiring & paying consultants and other experts on behalf of the host locality in matters pertaining to the siting of a solar facility.
  - Meeting, discussing, and negotiating a sitting agreement with an applicant
- the host locality and enforceable against it and future governing bodies of the Entering into a sitting agreement that is binding upon the governing body of host locality in any court of competent jurisdiction by signing a sitting agreement pursuant to this legislation.



### HB 1675 [3]

- If the parties agree to the terms and conditions of a siting agreement, a host locality shall schedule a public hearing. If a majority of the governing body approves the siting agreement, it will be executed by the signatures of the chief executive officer of the host locality and the applicant.
  - Approval of a siting agreement by the local governing body shall deem the solar facility to be substantially in accord with the comprehensive plan.
- Approval of a siting agreement does not exempt an applicant from obtaining any necessary approvals or permits under federal, state or local ordinances/regulations.
  - consideration of any land use approval for a solar facility, but it shall not be agreement may be a factor in the decision of the local governing body in The failure of an applicant and the governing body to reach a siting the sole reason for denial.
- zoning or site plan approval, preliminary or otherwise, from the host locality This new legislation does NOT apply to any solar facility that has received on or before January 1, 2020.



# Storm Water Management

discussions with DEQ regarding monitoring of Very large solar projects may require local E&S/stormwater:

- Construction sequencing of very large projects
- Potential use of third-party firms
- Close coordination with VADEQ



### Rural Solar Development Coalition Scope of Work

- localities to develop a framework to discuss large-scale solar Establish a small workgroup representing rural Virginia projects, based on 2020 legislation.
- engagement with DEQ; facilitate webinar to discuss E&S Provide overview and alternatives of E&S regulatory framework for solar operations in Virginia through options for large-scale solar projects
- Development of draft model host agreement ordinance
- Development of energy tax model ordinance, and/or set of guidance principles for use in development of ordinance
  - Facilitate webinar and informational session with DMME regarding ability to support solar development.



# Rural Solar Development Coalition

### Advocacy:

are knowledgeable about the legislation approved developed and ensure that participating counties counties as solar projects are introduced and The objective of the RSDC is to support rural during the 2020 Session; and providing information and education to key solar stakeholders in government.



### Thank you!

Robert G. Crockett Susan Seward





### **Rural Solar Development Coalition**

About the RSDC: Background and Purpose

The Rural Solar Development Coalition is a collective group of rural Virginia counties that, because of land availability and accessibility to existing electric grids, are being asked to host a significant percentage of the commercial solar photovoltaic (electric energy) capacity that is being required by the Virginia General Assembly. Additionally, these large solar facilities may impact generational farms and forestry operations, and potentially impact water resources in those jurisdictions.

The 2020 General Assembly passed the Clean Economy Act, sweeping legislation that will require the Commonwealth of Virginia to have carbon-free energy by 2045. It mandates targets for carbon-free solar facilities and offshore wind, and new energy projects. During discussions in the 2020 Session, the Senate and House of Delegates made it clear the importance, even the necessity, of renewable energy. The development and utilization of these energy sources are reliant on the acceptance of the of the facilities by host locality.

As pressure to develop solar facilities increases, rural counties and their local governments can expect to see additional pressure to rapidly and seamlessly develop solar facilities. It is essential that local governments are engaged and protective of its ability to develop these projects according to its local comprehensive plans and ordinances; and the laws associated with solar facilities approved during the 2020 General Assembly.

What happened in 2020:

The solar industry proposed modifications to the existing regulatory landscape to provide developers and utilities an easier and simpler pathway to develop solar facilities. Many of these legislative initiatives were introduced as a result of ongoing challenges with the development of solar facilities in several local counties and communities; or resulted from several months of stakeholder meetings on solar matters coordinated by VACo.

A number of solar provisions were approved by the General Assembly that will alter the mechanics of solar development in the Commonwealth of Virginia. Some of these provisions, if appropriately and reasonably implemented by local governments, have the potential to both provide necessary renewable energy to the Commonwealth's citizens while positively impacting rural counties for many years.

In the Clean Economy Act (VCEA) (HB1526) (SB851) that came out of conference committee the solar requirement was increased from 5,000 MW to 16,100 MW by the year 2045. To put that in perspective, assuming an average of 10 acres per MW capacity, then 16,100 MW would equate to about 161,000 acres (or 252 square miles).



### Legislation Review:

HB 1675 (Hodges) Requires any applicant for a solar facility to give to the host locality written notice of the applicant's intent to locate a solar facility in an opportunity zone (defined in the bill) in such locality and request a meeting. The legislation requires the applicant to meet and attempt to negotiate a siting agreement with such locality, which could include specific terms and conditions associated with the proposed project including financial compensation and/or mitigation of any impacts. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing for the purpose of consideration of such siting agreement. The provisions of the bill shall not apply to any solar facility that has received zoning and site plan approval, preliminary or otherwise, from the host locality on or before January 1, 2020. This bill was signed by the Governor.

Other key solar provisions are provided below.

- HB1131 (Jones) and SB762 (Barker) authorize localities to assess a revenue share of up to \$1,400/mw on solar PV projects, in exchange for which an existing tax exemption is expanded to 100%. The Governor has recommended amendments to HB 1131 that are clarifying in nature and do not alter the intent of the legislation.
- HB1434 (Jones) Changes the local property tax exemption for solar energy projects from an 80 percent exemption for the life of the project to a step down scale of an 80 percent exemption in the first five years, 70 percent in the second five years, and 60 percent for all remaining years in service. The change applies to solar energy projects that are either (i) projects greater than 20 megawatts and less than 150 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (ii) projects equaling more than five megawatts and less than 150 megawatts for which an initial interconnection request form has been filed on or after January 1, 2019. The bill extends the sunset date after which new projects may not qualify for the exemption from January 1, 2024 to July 1, 2030. This bill was signed by the Governor.
- SB870 / HB 655 (Marsden) (Heretick) Authorizes a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project. The bill authorizes the governing body of such locality to grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project. SB 870 & HB 655 was approved by the Governor.
- ☐ HB656 / SB 875 (Heretick) (Marsden) Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. HB 656 was approved by the Governor.
- ☐ HB 657 (Heretick) Comprehensive plan; solar facilities review. HB657 was modified to accommodate a VACo proposal allowing the locality to waive the SIA review at its option, and was approved by Senate Local Government, 10-2. This bill was approved by the Governor.
- □ SB632 (Surovell) Provides that it is the objective of the General Assembly that 2,700 megawatts of aggregate energy storage capacity be placed into service on or before July 1, 2030. It also requires a public utility to file an annual report to the State Corporation Commission to assess and report on the



aggregate annual new construction and purchase of energy storage facilities. This bill was approved by the Governor.

### The 2020 Session:

Due to a high interest in the various solar provisions introduced during the General Assembly, the RSDC was established. Halifax, Charlotte and Appomattox took the lead and engaged Susan Seward and Robert Crockett of Advantus Strategies. Their work focused specifically on those bills that were unsettled, including HB1675 (Hodges) and HB657 (Heretick); and supported VACo on the remaining suite of solar bills.

This work, and the good work of a team of local government representatives, resulted in important gains to advantage rural counties in their future discussions and negotiations with potential solar developers. During this Session we have established a solid working relationship with the Delegates who sponsored solar legislation, representatives of the solar development community; Dominion; interested representatives of other geographic areas of Virginia, including Northern Virginia; and most importantly we worked very closely with VACo and its representatives.

Susan Seward sewardconsultinginc@gmail.com Direct: 804-658-8659

Robert G. Crockett rcrockett@advantusstrategies.com

Direct: 804-228-4514

### Pre-Veto Session Update - Solar Legislation 2020

Bills	Last action	Date
HB 206 - Ware - Electric utility regulation; retail customer choice.	(H) Incorporated by Labor and Commerce (HB1677-Keam)	02/04/20
HB 413 - Delaney - Subdivision ordinance; energy efficiency and renewable energy provisions.	(H) Left in Counties, Cities and Towns	02/11/20
HB 414 - Delaney - Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.	(G) Approved by Governor-Chapter 795 (effective 7/1/20)	04/07/20
HB 572 - Keam - Distributed solar & other renewable energy; sales of electricity under third-party agreements.	(G) Approved by Governor-Chapter 1188 (effective 7/1/20)	04/11/20
HB 573 - Keam - Community solar development pilot program; low-income communities.	(G) Approved by Governor- Chapter 663 (effective 7/1/20)	04/06/20
HB 655 - Heretick - Solar photovoltaic projects; special exceptions for any project.	(G) Approved by Governor-Chapter 385 (effective 7/1/20)	03/18/20
HB 656 - Heretick - Solar energy projects; national standards.	(G) Approved by Governor- Chapter 312 (effective 7/1/20)	03/12/20
HB 657 - Heretick - Comprehensive plan; solar facilities review.	(G) Approved by Governor- Chapter 665 (effective 7/1/20)	04/06/20
HB 912 - Simon - Distributed renewable energy; promotes establishment of solar and other renewable energy.	(H) Incorporated by Labor and Commerce (HB572-Keam)	02/04/20
HB 1131 - Jones - Solar energy projects; revenue share assessment. See attached recommendations	(H) Governor's recommendation received by House	03/12/20
HB 1133 - Jones - Solar and wind energy; projects on previously developed project sites. See attached recommendations	(H) Governor's recommendation received by House	04/11/20
HB 1171 - Poindexter - Solar farms; annual report of acreage, report.	(H) Continued to 2021 in Agriculture, Chesapeake and Natural Resources	02/05/20
HB 1450 - Sullivan - Electric utility regulation; energy efficiency standard.	(H) Failed to pass in House	03/12/20
HB 1526 - Sullivan - Electric utility regulation; environmental goals.	(G) Approved by Governor-Chapter 1193 (effective 7/1/20)	04/11/20
HB 1675 - Hodges - Solar energy facilities; definitions, siting agreement with host locality.	(G) Approved by Governor-Chapter 802 (effective 7/1/20)	04/07/20

SB 354 - Bell - Electric utility regulation; energy efficiency standard.	(S) Stricken at request of Patron in Commerce and Labor (15-Y 0-N)	02/09/20
SB 504 - Petersen - Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.	(G) Approved by Governor- Chapter 272 (effective 7/1/20)	03/11/20
SB 629 - Suroyell - Shared solar programs; electric utility regulation, etc. See attached recommendations	(S) Governor's recommendation received by Senate	04/11/20
SB 632 - Surovell - Public utilities; aggregate energy storage capacity in the Commonwealth.	(G) Approved by Governor- Chapter 1190 (effective 7/1/20)	04/11/20
SB 710 - McClellan - Distributed solar & other renewable energy; sales of electricity under third-party agreements.	(G) Approved by Governor-Chapter 1187 (effective 7/1/20)	04/11/20
SB 762 - Barker - Solar energy projects; revenue share assessment. See attached recommendations	(S) Governor's recommendation received by Senate	04/11/20
SB 870 - Marsden - Solar photovoltaic projects; special exceptions for any project.	(G) Approved by Governor-Chapter 414 (effective 7/1/20)	03/23/20
SB 875 - Marsden - Solar energy projects; national standards.	(G) Approved by Governor-Chapter 402 (effective 7/1/20)	03/23/20
SB 876 - Marsden - Electric utility regulation; mandatory clean energy standard program.	(S) Incorporated by Commerce and Labor (SB851-McClellan) (13-Y 0-N)	02/03/20
SB 893 - Marsden - Comprehensive plan; solar facilities review.	(S) Passed by indefinitely in Local Government (15-Y 0-N)	02/03/20

### Governor's Recommendations

### HB 1131 Jones

- 1. Line 60, enrolled, after D. insert The exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to any such project unless an application has been filed with the locality for the project before July 1, 2030, regardless of whether a locality assesses a revenue share on such project pursuant to the provisions of § 58.1–2636.
- 2. Line 63, enrolled, after percent insert of the assessed value
- 3. Line 63, enrolled, after *locality* strike the remainder of line 63 and through section on line 64 and insert does not adopt an energy revenue share ordinance under § 58.1-2636
- 4. Line 66, enrolled, after percent insert of the assessed value

### HB 1133 Jones

- 1. Line 137, enrolled, after mining strike or insert, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Mines, Minerals and Energy under Title 45.1; (v) for
- 2. Line 137, enrolled, after quarrying; or strike (v) insert (vi)

### SB 629 Surovell

- 1. Line 14, enrolled, after *means* **strike** the remainder of line 14, all of line 15, and through *greater* on line 16 **insert** any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development
- 2. Line 52, enrolled, after minus the strike monthly insert minimum

### HB 762 Barker

- 1. Line 60, enrolled, after D. insert The exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to any such project unless an application has been filed with the locality for the project before July 1, 2030, regardless of whether a locality assesses a revenue share on such project pursuant to the provisions of § 58.1-2636.
- 2. Line 63, enrolled, after percent insert of the assessed value
- 3. Line 63, enrolled, after *locality* strike the remainder of line 63 and through section on line 64 insert does not adopt an energy revenue share ordinance under § 58.1-2636
- 4. Line 66, enrolled, after percent insert of the assessed value



### Activity Report - June **Rural Solar Development Coalition** Robert G. Crockett & Susan Seward

### **Rural Solar Development Coalition:**

### STATUS:

Development of coalition continuing. Presented before Prince George County in June. PG became fourth member. Roster of participating counties as of 6/30:

- o Halifax
- o Charlotte
- o Sussex
- o Prince George
- o Richmond

### **ACTION:**

RSDC to begin monthly calls in July. Agendas will be distributed prior to calls. Staff will work with members to determine best day of week/time.

Outreach to potential members to increase mutually beneficial communication continuing.

### **Ongoing Solar Development**

### M&T

Continued development of work associated with valuation of solar projects to better enable counties to determine whether revenue share or M&T step down is more appropriate for the long-term. Engaged in discussions with DMME re. methodology used to assess solar facilities to support development of good decision 'guide' regarding taxing tools. Mid-project modifications are a concern and deflate the revenue reliability of projections.

### **ACTION:**

- RSDC consultants to establish conference call with DMME Dept. of Energy personnel to discuss the following (1) development of consistent methodology for taxing tools; (2) role and value of SolSmart for localities - what do they need/what additional evaluation would be of value to localities.
- RSDC consultants to establish conference call with SCC utility scale solar personnel to do the following: (1) review valuation of utility scale solar and solar battery projects to eliminate confusion and friction occurring with solar development projects.

### **BATTERY STORAGE:**

RSDC is aware of several solar installation projects where battery storage is attached. Additionally, localities are seeing an influx of free-standing battery 'farm' proposals. RSDC is communicating with VACo regarding ambiguity of M & T taxation on free standing battery facilities. At least one Coalition member is considering a project where the developer interprets their tax status as NOT 80% exempt from M & T tax, while the Code in 58.1-3660 is not clear and potentially conflicting on this matter. We will be seeking clarity on this to better inform Coalition members on the taxation of these installations.

The Coalition is developing a reference guide on best practices for member localities in considering conditional/special use permits for any battery project, whether it is free standing or attached to a solar generation facility. There are a number of additional and different concerns that come with battery projects; we are pulling vetted information from member localities that have developed use permits for these facilities that captures a broad spectrum of conditions relative to monitoring/remediation, decommissioning, and fire and emergency services.

### **ACTION:**

o RSDC to include batter 'farm' discussion in discussions with DMME and SCC personnel.

### OTHER:

- DEQ: E&S opt-out for localities is not an option. Requested DEQ provide third-party agreement for E&S to provide to localities as an option.
- Development of DRAFT host agreement resolution ongoing.

### **RSDC NEWS:**

- Prince George County has developed a comprehensive solar siting policy for use in their locality. If other Coalition counties would like to learn more about this policy, please contact Julie Walton, Planning Director for Prince George, at (804) 722-8678.
- O Halifax County has developed a formula for both building permits and E&S permits for solar generation facilities. The building permit formula relies on fees that increase gradually based on wattage categories (0-5,000 watts through 5,000,000 watts or greater). The E&S fees are done on a base fee plus a per acre fee, with no limit on size. For more information on these permit schedules, please contact Halifax County Administrator Scott Simpson at (434) 476-3300. These fee structures are much more comprehensive and beneficial to the locality, and in Halifax County's experience the developers have not pushed back on the schedule.



### Activity Report - May

### Rural Solar Development Coalition Robert G. Crockett & Susan Seward

- VACo: Provided support to VACo solar webinar. Discussed value of elected officials' participation and provided support to development of talking guides for their respective legislation ... for Del. Steve Heretick (D-Portsmouth) and Del. Keith Hodges (R-Urbanna). Both patroned key solar legislation during the 2020 General Assembly.
- Developers: Participated in two conference calls with C. Dicks, counsel to independent solar developers, Tom Swartzwelder, CA for King and Queen County, and L. Lawrence, Executive Driector of the Middle Peninsula PDC regarding 1) host agreement (HB1675) principles; (2) opt-out E&S option for large solar projects and, (3) ongoing DEQ E&S discussions.
- O DMME: Participated in solar call with John Warren, DMME Director; and Carrie Hearne, Solar Program Manager, Division of Energy for DMME. Our conversation occurred in advance of the agency's announcement regarding its SolSmart/UVa agreement providing technical assistance to localities to address barriers to solar development. Over 20 localities in Virginia have already earned a SolSmart designation. DMME is particularly interested in reaching communities in the Middle Peninsula and Southside regions where utility sale solar is expected to increase. She indicated a willingness to review the program in detail with either individual counties, or the broad coalition.
- DEQ: Discussed potential E&S opt-out for localities with David Paylor, DEQ Director. Set up call with Andrew Hammond of DEQ's water permitting division to advance discussions. That call is scheduled for Friday, June 5.
- Localities: Discussed development of DRAFT host agreement resolution and DRAFT energy-share resolution with a RSDC locality.
- RSDC: Continued to partner with Susan Seward to establish informational meetings with interested RSDC localities.



July 20, 2020

Greensville County Mr. Linwood E. Pope, Jr. Planning Department 1781 Greensville County Circle Emporia, Virginia 23847

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**Rural Solar Development Coalition** 

Scope of Work pursuant to rural county solar legislation introduced during 2020 General Assembly. Work included specifically negotiating for positive outcomes on legislation of beneficial interest to RSDC counties; and includes action items post-Session on information and education of RSDC counties on approved solar legislation.

Per Scope of Work for 2020

\$5,000.00

Total Due

\$5,000.00

Advantus Strategies 1011 E. Main Street Suite 400 Richmond VA 23219

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